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APPLICATION NO. 09/157,497	FILING DATE 09/21/98	FIRST NAMED INVENTOR INAMOTO	ATTORNEY DOCKET NO. 35.C12973
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005514 IM22/0516
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

EXAMINER SCHWARTZ, P

ART UNIT 1774	PAPER NUMBER 9
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DATE MAILED: 05/16/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/157497

Applicant(s)

Inamoto et al

Examiner

Schwartz, P

Group Art Unit

1774

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 2/2/2001

☒ This action is **FINAL**.

- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above claim(s) 6-13 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 4, 5 is/are rejected.

☒ Claim(s) 2, 3 is/are objected to.

☒ Claim(s) 1-13 are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

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1. Applicant's election with traverse of Group I, claims 1-8 and the species of claim 5 in Paper No. 8 is acknowledged. The traversal is on the ground(s) that examination by one examiner is not an undue burden and provides for uniform prosecution. This is not found persuasive because the searches for the different inventions are not coextensive, and therefore, examination of all of the inventions together would be a considerable additional burden.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Document 2-31673 in view of either of Manser et al. or Warther for reasons of record and for reasons given below.

3. Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Applicant's arguments filed February 2, 2001 have been fully considered but they are not persuasive. Applicants argue that the primary reference "does not teach or suggest that the ink-receiving layer contains both pigments and mutually fused thermoplastic resin particles." As stated in the prior office action, the Japanese Document discloses a medium for ink jet recording comprising a base having a layer of pigment particles of large ink absorbent capacity on the surface thereof and a surface layer of thermoplastic particles which may be fused by heat or solvent. When the surface layer is fused, it will inherently fill in gaps within the pigment layer and become part of the surface of that layer, thereby forming a layer of pigment and fused

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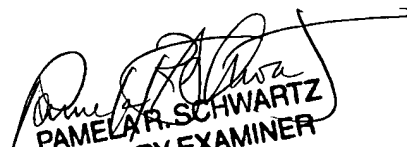
thermoplastic resin at least at the interface. Applicants have not specifically responded to the examiner's assertion that a layer of fused thermoplastic and pigment will be formed at the interface of the pigment particle layer and the surface layer. Therefore, applicants' response is not persuasive and the rejection is maintained.

Applicants' amendment has overcome the rejection under 35 U.S.C. 112.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

PRSchwartz
May 15, 2001


PAMELA R. SCHWARTZ
PRIMARY EXAMINER